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SECOND SPECIAL REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS TRANSITIONAL AUTHORITY IN CAMBODIA

1. In my special report dated 12 June 1992 (S/24090), I noted that, in accordance with the Paris Agreements, the Force Commander of the military component of the United Nations Transitional Authority in Cambodia (UNTAC, had determined that the second phase of the cease-fire should begin on 13 June. In order to comply with the Agreements, the four Cambodian parties were obliged to take a number of steps, including the regroupment and cantonment of their armed forces.

2. I also noted in my report, however, that it was becoming increasingly clear that one party, the Party of Democratic Kampuchea (PDK), was not taking the steps necessary to enable it to honour the assurances that it had given. That party has still failed to comply with the Agreements and has refused to canton any of its forces.

3. As of 10 July, the number of troops cantoned by each of the four Cambodian parties was as follows:

Cambodian People's Armed Forces (CPAF)	9 003
National Army of Independent Kampuchea (ANKI)	3 187
Khmer People's National Liberation Armed Forces (KPNLAF)	1 322
National Army of Democratic Kampuchea (NADK)	0
Total	13 512

4. Furthermore, PDK has failed to take a number of other measures incumbent upon it for the proper implementation of the Paris Agreements. These involve failure to grant free and unrestricted access to UNTAC and to mark minefields in the zones they control, and to refrain from further violations of the cease-fire.

5. In explanation of its position, PDK has introduced its own interpretations of the provisions of the Paris Agreements relating to the verification of the withdrawal and non-return of foreign forces and to the

role and powers of the Supreme National Council. PDK asserts that these provisions have not been implemented, and that until they are it is not in a position to proceed with the implementation of the other provisions.

6. At the Ministerial Conference on the Rehabilitation and Reconstruction of Cambodia, held at Tokyo on 22 June 1992, an informal "proposal for discussion" was drawn up by representatives of the five permanent members of the Security Council, the co-Chairmen of the Paris Conference and other participants in the Conference, including my Special Representative. This proposal, which is reproduced in the annex to the present report, sets out a number of measures designed to meet some of the concerns expressed by PDK and thus to facilitate its participation in the full implementation of the Paris Agreements without further delay.

7. At an extraordinary meeting of the Supreme National Council convened at Tokyo on the same day, the four Cambodian parties were asked to respond to the proposal for discussion. Three of them accepted it. PDK did not reject the proposal, but promised to consider it and to make known its views at a later stage.

8. On 2 July 1992, in the absence of His Royal Highness Prince Norodom Sihanouk, a working session of the Supreme National Council was held at UNTAC headquarters at Phnom Penh. The Tokyo proposal was discussed and again three of the Cambodian parties expressed agreement with it. However, PDK expressed no opinion on the proposal; instead, it introduced its own proposals regarding the role and powers of the Supreme National Council and the administrative structures in the zone under the control of the Cambodian People's Party.

9. On 8 July 1992, a further meeting of the Supreme National Council was held under the Chairmanship of Prince Sihanouk, at which my Special Representative again pressed the Party of Democratic Kampuchea, represented at the meeting by Mr. Khieu Samphan, the President of the party, for a clear and positive response to the Tokyo proposal. Mr. Khieu Samphan did not respond to that request, but repeated his own proposals. Moreover, in a letter addressed to me on 9 July, he again took the same position.

10. In addition to the meetings of the Supreme National Council, my Special Representative has met three times with Mr. Samphan in the last two weeks in an endeavour to secure the agreement of PDK to the Tokyo proposal and to persuade it to take the necessary steps to comply with the Paris Agreements.

11. UNTAC has also taken a number of steps designed to meet the concerns of PDK. In particular, UNTAC has strengthened its verification mechanisms, such as border checkpoints and mobile military investigation teams in order to follow up, as required, on any evidence that might be presented to it regarding the presence of foreign forces or the provision of outside military assistance. It is hoped that, with the assistance and cooperation of the neighbouring countries, UNTAC will soon be able to complete the establishment of border checkpoints so that it may fully implement the provisions of

annex 2, articles VI and VII of the Agreements. In addition, UNTAC is giving top priority to the recruitment and deployment of its civil administration staff as rapidly as possible, in order to exercise its mandate under the Agreements of direct control over existing administrative structures in the areas of foreign affairs, national defence, finance, public security and information, as well as its supervision in other areas.

12. UNTAC has also actively sought agreement with PDK on the establishment of a mechanism for keeping the four Cambodian parties informed and involved with regard to UNTAC exercise of direct control over the five areas named above. Consideration is being given, inter alia, to establishing working groups under UNTAC chairmanship or other appropriate consultative mechanisms.

13. At these meetings, Mr. Khieu Samphan has elaborated his party's position vis-à-vis the relationship between the Supreme National Council and UNTAC and the question of UNTAC exercise of authority in Cambodia, and has called for the dissolution of the main institutions and structures established by the Cambodian People's Party in the zone under its control. However, it is clearly understood in the Paris Agreements that UNTAC control should be exercised through the "existing administrative structures" of each of the four Cambodian parties. As my Special Representative has explained to Mr. Samphan, the Phnom Penh authorities form part of these "existing administrative structures" and cannot be abolished or dismantled.

14. Phase II commenced on 13 June 1992. In accordance with the Paris Agreements, UNTAC was to have endeavoured to complete the regroupment and cantonment process within four weeks, i.e., by 11 July. In fact, as a result of the refusal of one party to take part in that process, and because of the need to ensure that this process is undertaken in such a way as to maintain the military balance between the four parties, barely 5 per cent of the estimated 200,000 soldiers had been cantoned by that date.

15. Since my last special report to the Security Council, UNTAC military deployment has been proceeding and is now almost complete, with some 14,300 troops in the country and the remainder en route. Other aspects of the UNTAC operation are also moving forward to the greatest possible extent under the circumstances. A total of 50,000 refugees and displaced persons have been repatriated; 1,780 UNTAC civilian police monitors have been deployed throughout the country to supervise the fair and impartial enforcement of law and order; more than 100 cases of human rights investigations have been successfully carried out in the last few weeks in the zones under control of the Cambodian People's Party, and investigations will soon begin as necessary in the zones of the United Nations Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC) and KPNLF; extensive discussions have taken place over the electoral law submitted to the Supreme National Council on 1 April; and the Ministerial Conference at Tokyo resulted in pledges of $880 million, substantially in excess of the sum I called for in my appeal. In all of these spheres, however, UNTAC has been denied access to operate in the zones controlled by PDK.

16. As far as civil administration is concerned, my Special Representative announced on 26 June comprehensive plans to introduce, throughout the territory of Cambodia, United Nations control of the existing administrative structures of each of the four parties. While three of the parties have, pursuant to the request of my Special Representative, submitted lists of their laws for review by UNTAC, PDK has failed to do so. Work is now proceeding on the review of the laws of the three parties in compliance.

17. In the five areas over which UNTAC is mandated to assume direct control, efforts to recruit and deploy staff with the necessary qualifications and experience have been accelerated. Control over the administrative structures of the Cambodian People's Party dealing with foreign affairs and national defence was established on 1 July 1992. In finance, control will be progressively introduced between 1 July and 1 September; in public security, the staff concerned will be fully deployed by 15 July, following which the service will be completely operational; and in information, UNTAC established a Media Working Group composed of representatives of the four parties on 10 June 1992, and the Director of the Information Division has now visited the broadcasting facilities of three of the parties.

18. In my special report of 12 June, I stated that the successful implementation of phase II of the cease-fire depended on the cooperation of all parties and would not be sustainable for more than a brief period without such cooperation. I also noted that the implementation of the Paris Agreements had reached a critical stage. I found it necessary to draw this to the attention of the Security Council so that the Council could consider what action it might appropriately take to ensure that UNTAC received the cooperation it needed, and in particular that the timetable for implementation was adhered to.

19. Since then, phase II of the cease-fire has begun on time, and three of the parties have shown themselves willing to participate in the regroupment and cantonment process, but PDK has not. That party has also failed to respond to repeated requests from my Special Representative to comply with the 12 points he listed on 26 May 1992 to ensure implementation of the Paris Accords, or to accept the proposal for discussion drawn up by participants in the Ministerial Conference at Tokyo. As a result, the ability of UNTAC to adhere to the timetable set by the Security Council has been seriously compromised. In these circumstances, there are two possible courses of action: the first is to suspend the operation until all parties can be persuaded to fulfil their obligations under the Paris Agreements. The second is to pursue the process and thus demonstrate that, despite the lack of cooperation of one party, the international community remains determined to assist the Cambodian people in their quest for peace and stability. I am convinced that the latter approach is the most appropriate.

20. Accordingly, I have asked my Special Representative to press forward with the regroupment and cantonment process wherever possible. UNTAC will do this cautiously and selectively, while taking great care to maintain security in the countryside and ensuring that the parties cooperating with UNTAC do not

suffer a military disadvantage vis-à-vis the party that is not. It will concentrate, for instance, on areas where there is no military confrontation. Some cantoned troops may also be permitted to keep their weapons until the situation is clarified. However, UNTAC efforts to continue with the regroupment and cantonment process with the cooperation of only three of the parties cannot go on indefinitely. Indeed, I am convinced that any further delay in the full implementation by all parties of this essential aspect of the Paris Agreements is likely to affect the ability of UNTAC to organize and conduct the elections on schedule and that it could ultimately jeopardize the whole peace process.

21. I therefore believe that every effort should continue to be made to persuade PDK to join phase II and to cooperate with UNTAC and the other three parties. To this end, I wrote on 7 July to Mr. Samphan. I assured him that my Special Representative would pursue his efforts to take into account, on the basis of the Tokyo Proposal, the legitimate concerns expressed by PDK, as well as those of the other three parties. I have also taken advantage of my visits to certain capitals, including most recently Paris and London, to share with leaders my concern about the implementation of the Paris Agreements and to enlist their support.

22. In conclusion, the main questions that need to be addressed at this juncture are, in my view, the following: (a) what steps might be taken to persuade PDK to comply with its obligations under the Paris Agreements; (b) what action should be taken to underscore the determination of the international community to implement the Agreements, in accordance with the timetable set forth in my implementation plan (S/23613); and (c) how to obtain the full and active support of the signatories of the Paris Agreements for UNTAC efforts to carry out the various aspects of the mandate entrusted to it by the Security Council.

Annex

Proposal for discussion

1. The principles embodied in the Paris Agreements, to which all signatories, including the Cambodian parties, have committed themselves, represent the only viable means of restoring peace and prosperity to all the people of Cambodia.

2. The first requirement at this juncture is a full and timely implementation of the Paris Agreements and, in particular, that the Cambodian parties carry out immediately the obligations relating to phase II of the cease-fire, as set out by the Special Representative of the Secretary-General for Cambodia on 26 May 1992.

3. What follows requires as of this day a binding undertaking by all Cambodian Parties to assure full and effective cooperation with the United Nations Transitional Authority in Cambodia (UNTAC) and immediate access to and freedom of movement throughout their respective areas for all military and civilian personnel of UNTAC.

4. After careful consideration of the views of His Royal Highness Prince Norodom Sihanouk and high representatives of the four Cambodian parties, the following measures, within the letter and spirit of the Paris Agreements and preserving their integrity, may assist the full implementation of the comprehensive settlement without further delay.

5. The Supreme National Council will assume a more active role in developing advice to the Special Representative in implementing the Agreements, including the implementation of phase II. It will cooperate more closely with the various parts of UNTAC implementation efforts. Meetings of the Supreme National Council will be held frequently. Other consultative mechanisms can also be considered.

6. Each of the Cambodian parties shall cooperate actively with UNTAC in the fulfilment of UNTAC responsibilities under the Agreements for the investigation, verification and reporting of allegations of the presence of foreign forces in Cambodia, and of allegations of cease-fire violations and formally confirming the cessation of outside military assistance not permitted under the Agreements. To this end, the Supreme National Council will give advice to UNTAC on further verification activities. Observers from each of the Cambodian parties shall also be attached to the Mobile Investigation Teams set up by UNTAC. It is a fundamental principle that each of the Mobile Verification Teams, including observers from each of the Cambodian parties, shall have free and unrestricted access to all areas controlled by each Cambodian Party.

7. In order to ensure a neutral political environment, UNTAC must accelerate the recruitment and deployment of its civil administration personnel into all

existing administrations. Special attention shall be given to the five key areas identified in the Agreements. Likewise, all of the Parties accept without further delay the deployment of those personnel, including members of the UNTAC police component. UNTAC, in consultation with the Supreme National Council, will ensure that its control of each of the five key areas will be applied with equal vigour to the administrations of the four Parties.

8. The Supreme National Council will discuss all high-level visits of foreign dignitaries to Cambodia. Reception of high foreign guests should be conducted in the name of the Supreme National Council with close cooperation from the existing administrations.

9. All foreign trade and investment agreements by all Cambodian Parties shall be reported to the Supreme National Council secretariat and subject to UNTAC oversight in consultation with the Supreme National Council.

10. After consultation with the Supreme National Council regarding procedures and qualifications, UNTAC, through its civil administration control, will supervise the issuance of visas to all foreigners seeking to enter any part of Cambodian territory. The Supreme National Council shall consider the issue of a uniform stamp, in the name of the Supreme National Council, to validate on request passports, travel documents and identity cards of Cambodians.

11. It is a fundamental principle that multilateral assistance and budget support activities coordinated through UNTAC during the rehabilitation period shall be designated to the Supreme National Council and shall be disbursed, when UNTAC can supervise the delivery of assistance or expenditure of money. In any United Nations documents referring to assistance or budget support for "Cambodia" or for "the Cambodian authorities", it is clearly understood that these terms refer to the whole territory of Cambodia or to the administrations of all Cambodian parties. It is also clearly understood that budgetary support to pay or subsidize the salaries of teachers, administrators, officials, health workers, etc., in "Cambodia" is applicable according to need to the territory or administration controlled by each Cambodian Party.